

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODNEY JOHNSTON,

Plaintiff,

v.

CASE NO. 05-72695
HON. LAWRENCE P. ZATKOFF

MOORE AND CARTER COMPANY, INC.,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed its Complaint on July 7, 2005. Plaintiff's Complaint contains the following four counts:

Count I	Age Discrimination – Age Discrimination in Employment Act
Count II	Age Discrimination – Elliot Larsen Civil Rights Act
Count III	Gender Discrimination – Title VII
Count IV	Sex Discrimination – Elliot Larsen Civil Rights Act

The Court has subject matter jurisdiction over Plaintiff's federal claims (Counts I and III), because they arise under federal law. *See* 28 U.S.C. § 1331. Counts II and IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims of Age Discrimination (Count II), and Sex Discrimination (Count IV) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims of Age Discrimination (Count I) and Gender Discrimination (Count III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 4, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 4, 2005.

s/Marie E. Verlinde

Case Manager
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